

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

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|---------------------------------------|---|---------------------------------------|
| PATRICIA GLOFF | § | |
| | § | |
| v. | § | CIVIL ACTION NO. 6:19-cv-00175 |
| | § | JURY |
| JEFFERY JAMES, Ind. and d/b/a | § | |
| JAMES TRUCKING, INC., LANDSTAR | § | |
| RANGER, INC. and LANDSTAR | § | |
| SYSTEM, INC. | § | |

**DEFENDANTS JEFFREY JAMES, IND. AND D/B/A JAMES TRUCKING, INC. AND
LANDSTAR RANGER, INC.’S NOTICE OF REMOVAL**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, Jeffrey James, Ind. and d/b/a James Trucking, Inc. (hereinafter, “Jeffrey James”) and Landstar Ranger, Inc., (hereinafter, “Landstar Ranger”), Defendants in the above matter (hereinafter, Jeffrey James and Landstar Ranger are collectively referred to as “Defendants”), and file this Notice of Removal of the above-captioned case to the United States District Court for the Western District of Texas, Waco Division, from the 414th Judicial District Court of McLennan County, Texas, and for their Notice of Removal state:

**I.
INTRODUCTION**

1. Plaintiff Patricia Gloff (hereinafter, “Plaintiff” or “Gloff”) is a citizen of the State of Texas, and, upon information contained in Plaintiff’s Original Petition and Request for Discovery filed in the 414th Judicial District Court of McLennan County, is a resident of and domiciled in McLennan County, Texas.

2. Defendant Landstar Ranger is a foreign corporation organized and established under the laws of the State of Delaware, with its corporate office and principal place of business

in Florida, located at 13410 Sutton Park South, Jacksonville, Florida 32224, and doing business in the State of Texas.

3. Defendant Jeffrey James is a citizen of the State of Kansas and a resident of and domiciled in Wakefield, Clay County, Kansas.

4. Defendant Landstar Ranger was served with suit on or about January 18, 2019. Defendant Jeffrey James was served with suit on or about January 28, 2019. Defendants, therefore, have filed this Notice of Removal within the thirty-day time period required by federal law.

5. Plaintiff has sued Defendants asserting negligence in the 414th Judicial District Court of McLennan County, Texas, Cause No. 2019-81-5.

II. BASIS FOR REMOVAL

6. Removal is proper under 28 U.S.C. § 1332(a) because Plaintiff's suit is a civil action in which this Court has original jurisdiction over the parties, based upon diversity jurisdiction under 28 U.S.C. § 1332. This action is one which is removable to this Court pursuant to the provisions of 28 U.S.C. § 1441(b) because Plaintiff is a citizen of the State of Texas, Defendant Jeffrey James is a citizen of the State of Kansas, and Landstar Ranger is a foreign corporation organized and established under the laws of the State of Delaware, with its corporate office and principal place of business in Florida, located at 13410 Sutton Park South, Jacksonville, Florida 32224, and doing business in the State of Texas.

7. For diversity purposes, a person is considered a citizen of the state where that person is domiciled. Additionally, for diversity purposes, a corporation is a citizen of both the state in which it was incorporated and the state in which it has its principal place of business. 28 U.S.C. § 1332(c)(1). For Landstar Ranger, this test implicates the State of Delaware and the State

of Florida. Because the Plaintiff does not share citizenship with the Defendants in any state, removal is proper on diversity grounds.

8. The Defendants are now, and were at the time the removed action was commenced, diverse in citizenship from the Plaintiff. 28 U.S.C. § 1332. Accordingly, because the notice of removal was filed within thirty days after the receipt of a copy of the initial pleading setting forth the claim for relief this removal is proper and timely under 28 U.S.C. §1446(b).

9. The amount in controversy in this action exceeds, exclusive of interest and costs, the sum of One Million and No/100 Dollars (\$1,000,000.00). Plaintiff's Original Petition and Request for Discovery, attached to this Notice, alleges that Plaintiff intends to show that her damages are in excess of \$1,000,000.00. *See* Plaintiff's Original Petition and Request for Disclosure, page 3 at paragraph 3.2.

10. All pleadings, process, orders, and all other filings in the State Court action are attached to the Notice of Removal as required by 28 U.S.C. § 1446(a) and are resubmitted herewith.


11. The United States District Court for the Western District of Texas, Waco Division, embraces McLennan County, Texas, the place where the State Court Action was filed and is pending. This statement is not meant as a waiver of any argument that venue is improper in the location in which the State Court Action was filed, but merely demonstrates the propriety of removing the action to this federal judicial district.

12. Defendants file a copy of the Notice of Removal with the Clerk of the State Court in which the action had been pending.

13. Defendants hereby demand a trial by jury in accordance with the provisions of FED. R. CIV. P. 38.

WHEREFORE, Defendants, as parties in diversity with the Plaintiff, respectfully request that this action be immediately and entirely removed upon filing this Notice of Removal to the United States District Court for the Western District of Texas, Waco Division, and for such other and further relief to which Defendants may show themselves to be justly entitled.

Respectfully submitted,



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RANGER, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 27, 2019, the foregoing was filed with the Clerk of the Court for the U.S. District Court, Western District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the following attorneys of record who have consented in writing to accept this Notice as service of documents by electronic means.

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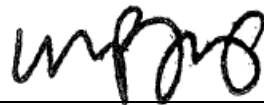
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